

1 JOHN E. STRINGER sbn #194556 (415)934-1827 FAX-(415)934-0899  
2 259 OAK STREET  
3 SAN FRANCISCO, CA 94102  
4 Attorney for Richard Shores

FILED  
JAN 24 PM 3:46  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ME  
20

5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
7 SAN FRANCISCO DIVISION

8 RICHARD SHORES,  
9 Plaintiff

CASE NO. \_\_\_\_\_

CV

MHP

10 v.

11 JAMES DAVIS, CHAIRMAN,  
12 CALIFORNIA BOARD OF  
13 PAROLE HEARINGS,  
14 Does 1 to 10,  
15 Defendants

BY FAX

16 COMPLAINT

17 INTRODUCTION

18 This is a complaint for relief and damages under 42 U.S.C. Sec.1983 and  
19 Wilkinson v. Dotson 2005 D1DAR 2669. Plaintiff Richard Shores, hereinafter  
20 referred to as Plaintiff, is an inmate at San Quentin State Prison. Plaintiff is serving  
21 a life sentence with the possibility of parole for second degree homicide. Under the  
22 current State of California parole scheme, Plaintiff is entitled to be considered for  
23 parole after his minimum eligible parole date. Plaintiff has been to the California  
24 Board of Parole Hearings, hereinafter referred to as the Board, ten times. Plaintiff  
25 now brings this complaint alleging due process and civil rights violations in the  
26 parole-suitability proceedings as applied to Plaintiff.  
27  
28

Law Office of John E. Stringer  
259 Oak Street  
San Francisco, CA 94102  
(415)934-1827

JURISDICTION

This action arises under the Constitution of the United States, Fourteenth Amendment, Due Process and Equal Protection Clauses and Title 42 U.S.C. Sec. 1983 and other applicable State of California and Federal statutes, laws and regulations.

PARTIES

Plaintiff is a citizen of San Quentin California (San Quentin State Prison). Defendant California Board of Parole Hearings is the state authority responsible for conducting parole suitability hearings. James Davis is Chairman of the Board.

INTRADISTRICT ASSIGNMENT

The Northern District, San Francisco Division of the Federal Court is the proper venue for this action as all events, complaints, filings and/or omissions which gave rise to the claims alleged herein occurred in San Quentin California.

FACTUAL ALLEGATIONS

1. On 1-12-06 Plaintiff appeared before the Board for his eighth subsequent parole hearing or ninth hearing. At that hearing the Board Commissioners indicated Plaintiff was suitable for parole and continued the hearing so Plaintiff could solidify his plans for housing upon release. (Exhibit A).

2. On 7-21-06 a subsequent hearing was scheduled but postponed because the Board denied Plaintiff's right to a continuance on the above-stated issue only, but instead elected to disregard the 1-12-06 Panel and conduct a new subsequent hearing on all issues relevant to parole.

3. On 7-19-07 Plaintiff was again scheduled for a subsequent parole hearing, but

1  
2 that hearing was again postponed because the Board would not recognize  
3 the findings of the 1-12-06 Panel that found Plaintiff suitable for parole pending  
4 additional housing plans. (Exhibit B).  
5

6 4. Plaintiff has suffered extreme emotional distress and physical discomfort  
7 as a result of Defendants course of conduct.

8 WHEREFORE, Plaintiff respectfully requests the Court to grant the following  
9 relief:  
10

11 A. An order from the Court directing Defendant to schedule a new parole  
12 suitability hearing on the limited issue of housing plans and affirming the Board's  
13 1-12-06 decision that Plaintiff is suitable for Parole.


14 B. General, compensatory and exemplary damages against all Defendants  
15 for the severe emotional and physical distress caused Plaintiff.  
16

17 C. Such other orders and further relief, including an award of costs and  
18 attorney fees as the Court deems just and proper.

19 JURY DEMAND  
20

21 Plaintiff requests a trial by jury.

22 Date: 1-24-08 Respectfully Submitted,  
23

24   
25 \_\_\_\_\_  
26 John E. Stringer, Attorney for Plaintiff  
27  
28

LAW OFFICE OF JOHN E. STRINGER  
259 Oak Street  
San Francisco, CA 94102  
(415) 934-1827

**Law Office of John E. Stringer**

Office-259 Oak Street  
San Francisco, CA 94102  
Phone (415)934-1827  
Fax (415)934-0899  
Email: nolojes@aol.com

7-13-07 (sent via FAX only)

California Board of Parole Hearings  
Sacramento, CA 95812

U.S. District Court  
Northern District  
San Francisco, CA 94102


Re: Richard Shores, C48978

**NOTICE OF REPRESENTATION**

I request that the Law Office of John E. Stringer represent me at my Board of parole Lifer Hearing on 7-19-07. Mr. Stringer has agreed to represent me *pro bono* in all BPH proceedings.

I am an inmate at San Quentin State Prison and do not have the necessary funds to retain an attorney. I request the Federal Court to waive all fees as to my current case and any and all subsequent filings. I further request the Law Office of John E. Stringer be appointed to represent me in all proceedings.

Date: 7-16-07

  
Richard Shores, C48978

**Law Office of John E. Stringer**

Office-259 Oak Street  
San Francisco, CA 94102  
Phone (415)934-1827  
Fax (415)934-0899  
Email: nolojes@aol.com

**EXHIBIT A**

BOARD OF PRISON TERMS

STATE OF CALIFORNIA

**LIFE PRISONER DECISION FACE SHEET****PERIOD OF CONFINEMENT**

(RECORDS OFFICER USE ONLY)

YR MO DAY

Adjusted Period of Confinement .....  
 Date Life Terms Begins .....  
 At Large Time .....  
 PAROLE DATE .....

**MISCELLANEOUS****Panel Recommendations and Requests:**

\_\_\_\_\_ Become \_\_\_\_\_ Remain Disciplinary Free.  
 \_\_\_\_\_ Work Towards Reducing His/Her Custody Level.  
 \_\_\_\_\_ Upgrade \_\_\_\_\_ Vocationally \_\_\_\_\_ Educationally.  
 \_\_\_\_\_ Participate In \_\_\_\_\_ Self-Help (and) \_\_\_\_\_ Therapy.  
 \_\_\_\_\_ Transfer To \_\_\_\_\_ Cat. X \_\_\_\_\_ Cat. T.

*Hearing  
continued to  
after May 2006.*

PENAL CODE SECTION 3042 NOTICES ☒ SENT (Date) 09-19-05**COMMITMENT OFFENSE**

187  
(Code Section)

MURDER 2<sup>ND</sup>  
(Title)

CC - 26176  
(Case Number)

1  
(Count Number)

Date Received by CDC 06-21-82	Date Life Term Begins	Controlling MEPD 06-13-90
Type of Hearing <input type="checkbox"/> INITIAL <input checked="" type="checkbox"/> SUBSEQUENT (Hearing No.) 8		If Subsequent Hearing, Date of Last Hearing 09-20-04

Department Representative

Counsel for Prisoner JOHNSTRINGER	Address
District Attorney Representative Jack Waddell	County CONTRA COSTA

**PAROLE HEARING CALENDAR**

*This form and the panel's statement at the conclusion of the hearing constitute a proposed decision and order of the Board of Prison Terms. The decision becomes effective when issued following the decision review process.*

By:

Presiding (Name) <i>Tracy Julie</i>	Date 1/12/06
Concurring (Name) <i>Alex</i>	Date
Concurring (Name)	Date

NAME <b>SHORES, RICHARD</b>	CDC NUMBER C-48978	INSTITUTION SAN QUENTIN	CALENDAR SUB 8	HEARING DATE 01-13-06
--------------------------------	-----------------------	----------------------------	-------------------	--------------------------

STAT. OF CALIFORNIA  
PAROLE HEARINGS DIVISION  
CONTINUATION SHEET  
CDC 1763 (10/92) - TEMP (Ref. BPT 1082)

DEPARTMENT OF CORRECTIONS

CONTINUATION FOR:

CDC FORM NO.:

The panel met and considered all materials  
presented testimony and believe Mr. Shores  
is suitable for parole. However, the panel  
believes that his housing plans must be  
solidify before reaching a comfort zone.  
Therefore the hearing was continued to allow  
Mr. Shores the opportunity to strengthen his housing  
plans in the next few months.

Gracey, Julie  
1-12-06

John C. Smith  
1-12-06

CDC NUMBER	NAME	FACILITY/REGION	CALENDAR	HEARING DATE
B-29505	OLIVER, LUKE	SAN QUENTIN	SUB 12	1-12-06

3-48978 Shores, Richard

PAGE 1 OF 1

PERMANENT ADDENDA



BOARD OF PRISON TERMS

STATE OF CALIFORNIA

**LIFE PRISONER PAROLE CONSIDERATION WORKSHEET**☐ INITIAL HEARING ☒ SUBSEQUENT HEARING

PRISONER'S NAME SHORES, RICHARD JR.	CDC NUMBER: C-48978
DATE OF HEARING 01-18-06 <i>12</i>	LOCATION SAN QUENTIN STATE PRISON

**LEGAL STATUS**

DATE RECEIVED 06-21-82	DATE LIFE TERM STARTS	COUNTY CONTRA COSTA
OFFENSE MURDER 2 <sup>ND</sup>	CASE NUMBER CC - 26176	
COUNT NUMBER (S) 1	PENAL CODE SECTION (S) VIOLATED 187 / 12022.5	
TERMS 15 TO LIFE	MEPD 06-13-90	

**OTHER COMMITMENT OFFENSES OR STAYED COUNTS**

STAYED	OFFENSE	CODE SECTION	COUNTY	CASE NUMBER	COUNT NUMBER
<input checked="" type="checkbox"/>	USE OF FIREARM	12022.5	CONTRA COSTA	CC-26176	1
<input type="checkbox"/>					
<input type="checkbox"/>					
<input type="checkbox"/>					

**PRESENT AT HEARING**

PANEL MEMBER <i>T. St. Julien</i>	PANEL MEMBER <i>A. Armenta</i>	PANEL MEMBER <i>[Signature]</i>
--------------------------------------	-----------------------------------	------------------------------------

**OTHERS PRESENT**

☒ PRISONER (IF ABSENT, WHY?) \_\_\_\_\_

☒ ATTORNEY JOHN STRINGER

☒ DEPUTY D. A. Jack Waddell COUNTY OF CONTRA COSTA

☐ OTHERS \_\_\_\_\_

**STATEMENT OF FACTS**☐ THE HEARING PANEL INCORPORATES BY REFERENCE FROM THE DECISION OF THE HEARING HELD

ON \_\_\_\_\_, PAGES \_\_\_\_\_ THROUGH \_\_\_\_\_

☒ THE STATEMENT OF FACT IS☒ QUOTED FROM THE BOARD REPORT, DATED Oct 2005, PAGE(S) 1☐ QUOTED FROM THE PROBATION OFFICER'S REPORT, PAGE (S) \_\_\_\_\_☐ QUOTED FROM THE COURT OPINION, PAGE (S) \_\_\_\_\_*Hearing Continued*



**Law Office of John E. Stringer**

Office-259 Oak Street  
San Francisco, CA 94102  
Phone (415)934-1827  
Fax (415)934-0899  
Email: nolojes@aol.com

**EXHIBIT B**

SUBSEQUENT PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PAROLE HEARINGS

In the matter of the Life )  
Term Parole Consideration )  
Hearing of: )  
RICHARD SHORES )

CDC Number: C-48978

**RECORDS COPY**

SAN QUENTIN STATE PRISON

MARIN COUNTY, CALIFORNIA

July 19, 2007

11:15 A.M.

PANEL PRESENT:

JANICE ENG, Presiding Commissioner  
CHUCK WOLK, Deputy Commissioner

OTHERS PRESENT:

RICHARD SHORES, Inmate

DEREK BUTTS, Deputy District Attorney

CORRECTIONS TO THE DECISION HAVE BEEN MADE

<u>      </u> No	See Review of Hearing
<u>      </u> Yes	Transcript Memorandum

Kelly Deslauriers, WPU Inc

I N D E X

	<u>Page</u>
Proceedings.....	3
Adjournment.....	8
Transcript Certification.....	9

P R O C E E D I N G S

**DEPUTY COMMISSIONER WOLK:** We're on record.

**PRESIDING COMMISSIONER ENG:** Okay. All right.

This was supposed to be a subsequent parole consideration hearing for Richard Shores, CDC number C-48978. Today's date is July 19th, 2007, and the time is 11:15. We are on the record so for the purpose of voice identification each of us will be required to state our first and last name, spelling out our last name. So, sir, when it comes to your turn, after you spell your last name, please provide us with your CDC number.

Okay? So, I'll begin and we'll move around the room to my left. My name is Janice Eng, E-N-G, Commissioner.

**DEPUTY COMMISSIONER WOLK:** Chuck Wolk, W-O-L-K, Deputy Commissioner.

**DEPUTY DISTRICT ATTORNEY BUTTS:** Derek Butts, B-U-T-T-S, Contra Costa County, Deputy District Attorney.

**ATTORNEY STRINGER:** John Stringer, S-T-R-I-N-G-E-R, Attorney for Mr. Shores.

**INMATE SHORES:** Richard Shores, R-I-C-H-A-R-D S-H-O-R-E-S, C-48978.

**PRESIDING COMMISSIONER ENG:** Okay, thank you sir. And, for the record, we have two correctional officers present for security reasons and they will not be participating in this abbreviated version of the

1 hearing. Before we go any further, I'm going to ask Mr.  
2 Stringer, are there any ADA issues that we should be  
3 discussing regarding your client?

4 **ATTORNEY STRINGER:** No, Commissioner, they're  
5 well-articulated in the file. Mr. Shores does have some  
6 problems that require, I believe, blood pressure  
7 medication. He does walk with a cane but he is  
8 certainly able to meaningfully participate in this  
9 hearing.

10 **PRESIDING COMMISSIONER ENG:** Okay. Are you in  
11 agreement with that, sir? Because I did note that you do  
12 have a cane. Did you have any problems getting to the  
13 hearing today?

14 **INMATE SHORES:** No I didn't.

15 **PRESIDING COMMISSIONER ENG:** Okay. Well, if you  
16 have any discomfort, let us know but this should be  
17 very, very quick. Counsel, it is my understanding that  
18 your client, Mr. Shores, wishes to postpone the hearing  
19 that has been scheduled today. Is that correct?

20 **ATTORNEY STRINGER:** It is.

21 **PRESIDING COMMISSIONER ENG:** Okay. And, Mr.  
22 Shores, is that what you wish to do today?

23 **INMATE SHORES:** Yes, I do.

24 **PRESIDING COMMISSIONER ENG:** I have to go through  
25 some standard questions with you. Do you understand

1 that you have a right to a hearing?

2 **INMATE SHORES:** Yes, I do.

3 **PRESIDING COMMISSIONER ENG:** And do you understand  
4 that by postponing today, you're giving up that right?

5 **INMATE SHORES:** Yes.

6 **PRESIDING COMMISSIONER ENG:** Okay. And has anyone  
7 threatened you or threatened anyone close to you in  
8 order to get you to postpone?

9 **INMATE SHORES:** No.

10 **PRESIDING COMMISSIONER ENG:** Okay. Has anyone  
11 made any promises or representations, offered a reward,  
12 or any other advantage of any kind for you or anyone  
13 else in return for the postponement?

14 **INMATE SHORES:** No.

15 **PRESIDING COMMISSIONER ENG:** That's a very long  
16 statement in a question. Okay. So, are you postponing  
17 freely and voluntarily?

18 **INMATE SHORES:** Yes I am.

19 **PRESIDING COMMISSIONER ENG:** Okay. So, could you  
20 just in your own words very briefly state your reason  
21 for requesting this postponement to the panel?

22 **INMATE SHORES:** Well, my reasons are that I have...  
23 I don't want to participate in the hearing today because  
24 my prior hearing that I had, they found me suitable, I'm  
25 trying to take care of it in the courts. Instead of

1 coming in here and taking you all through a bunch of  
2 changes with it, I'd rather just let it set where it's  
3 at right now and just go into court with it, those are  
4 my reasons.

5 **PRESIDING COMMISSIONER ENG:** Okay. Well, we did  
6 have a discussion prior to you coming in about what the  
7 situation was and we do understand because when I took a  
8 look at your packet it did show that you had been  
9 postponed a couple of times prior to today and I know  
10 for sure the last time you were postponed was because of  
11 the same, the pending litigation. So, apparently that  
12 has not resolved itself yet.

13 **INMATE SHORES:** No, it hasn't.

14 **PRESIDING COMMISSIONER ENG:** Okay. We also, in  
15 our discussions, found out that Mr. Stringer was not  
16 notified and did not receive a Board packet and there  
17 was confusion about the state-appointed attorney, etc.  
18 So, I think we clarified that in the record now. So,  
19 based on all that, before I rule on this, I am going to  
20 ask if we do have present with us a representative from  
21 the District Attorney's Office of Contra Costa County,  
22 Mr. Butts, and if he wishes to make any comments? Oh, I  
23 forgot to do that. Before we do that, I totally forgot,  
24 we have... I thought we did. Okay. All right. I forgot  
25 to state that we are on the record and, as a result,



1 each of us will be required to state our first and last  
2 names, spelling out our last name. I thought you did  
3 that.

4 **DEPUTY COMMISSIONER WOLK:** Oh, I'm sorry. My  
5 error.

6 **PRESIDING COMMISSIONER ENG:** I did identify  
7 myself, didn't I, sir?

8 **DEPUTY COMMISSIONER WOLK:** I remember, he spelled  
9 his first name, too. Richard.

10 **PRESIDING COMMISSIONER ENG:** Yeah.

11 **DEPUTY COMMISSIONER WOLK:** I'm sorry.

12 **PRESIDING COMMISSIONER ENG:** I think it's the  
13 heat in this room. Okay. So, does Mr. Butts have any  
14 comments that he would like to make at this point?

15 **DEPUTY DISTRICT ATTORNEY BUTTS:** I do not.

16 **PRESIDING COMMISSIONER ENG:** Okay, thank you.

17 So, the hearing panel does grant the inmate's request to  
18 postpone this hearing for the following reasons. Again,  
19 he does have pending litigation. This is a viable  
20 reason to request a postponement, and he does need the  
21 time to have that come to a conclusion along with the  
22 fact that his attorney was not notified and couldn't  
23 have been prepared anyway. So, sir, we did have a  
24 discussion about this because we really had to put on  
25 sort of when you should be rescheduled. So, based on

1 your attorney, we did state that, and I put on this, no  
2 later than August 1, 2008, to give you ample time to get  
3 this case settled, or when the court case is settled and  
4 I stated, per Mr. Stringer. Okay? So, let's hope that  
5 this can come to a conclusion no later than next year at  
6 this time and then you will at least know where you're  
7 going one way or the other. Okay? So, we wish you  
8 luck, sir, okay? And, that concludes this hearing. The  
9 time is 11:20.

10 **ATTORNEY STRINGER:** Thank you.

11 **INMATE SHORES:** Thank you.

12 (thereupon, the  
13 recording was stopped)

14 ---o0o--

15

CERTIFICATE AND  
DECLARATION OF TRANSCRIBER

I, Kelly Deslauriers, as the Official  
Transcriber, hereby certify that the attached  
proceedings:

In the matter of the Life	)	CDC Number: C-48978
Term Parole Consideration	)	
Hearing of:	)	
	)	
RICHARD SHORES	)	
	)	

SAN QUENTIN STATE PRISON  
MARIN COUNTY, CALIFORNIA

July 19, 2007

11:15 A.M.

Were held as herein appears. Further, this transcript  
is a true, complete, and accurate record, to the best of  
my ability, of the recorded material provided for  
transcription.

*Kelly R. Deslauriers*

KELLY DESLAURIERS  
August 3, 2007  
WPU Inc